

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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In re Patent Application of:  
Brian Sorrentino et al.

Application No.: 09/866,866

Confirmation No.: 4688

Filed: May 29, 2001

Art Unit: 1644

For: ANTIBODIES HAVING BINDING  
SPECIFICITY FOR THE EXTRACELLULAR  
DOMAIN OF A BREAST CANCER  
RESISTANCE PROTEIN (BCRP) (as amended)

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Examiner: M. A. Belyavskyi

Mail Stop Appeal Brief-Patents  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

This paper is in response to the Notification of Non-Compliant Appeal Brief mailed on November 28, 2007. No fee is believed to be due at this time. If, however, it is determined that an additional fee is due, or a refund is owed, the Director is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 04-0100.

In the Notification, the Office states that “[t]he brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).” More specifically, the Notification states with respect to Section 3 that “the brief does not identify the status of all claims filed in the application. Claims 1-15, 17-21 and 25-28. An entire new Brief does not need to be submitted just the defective part.”

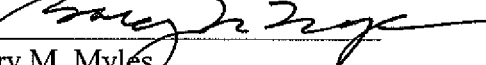
Appellant respectfully requests that the section entitled “(3) Status of Claims” be deleted from the Appeal Brief filed on November 14, 2007 and replaced with the following new section entitled “(3) Status of Claims”:

### (3) Status of Claims

U.S. Patent Application No. 09/866,866 was filed on May 29, 2001 with claims 1-20. In the Response filed on September 20, 2002 to the Restriction Requirement mailed August 27, 2002, Applicants elected claims 16-17 for prosecution and in the Office Action mailed December 4, 2002, the Examiner withdrew claims 1-15 and 18-20 from consideration. In the Amendment filed on March 24, 2003, claims 1-15 and 18-20 were canceled, claims 16-17 were amended, and new claims 21-28 were added. Claim 16 was further amended in the Amendment filed on July 29, 2004 and in the Amendment filed December 20, 2005, claim 16 was amended, claims 17, 21 and 25-28 were canceled, and new claims 29-34 were added. In the Amendment filed July 21, 2006, claims 16, 31, and 33 were amended and in the Amendment filed March 30, 2007, claims 16, 31, and 33 were further amended. The amendments to claims 16, 31, and 33 were entered and each of claims 16, 22-24, and 29-34 were finally rejected in the Office Action mailed May 14, 2007. On August 14, 2007 Appellant appealed from the final rejection of claims 16, 22-24, and 29-34 (all claims currently under examination in this application). Thus, each of claims 1-15, 17-21, and 25-28 is canceled and each of claims 16, 22-24, and 29-34 is currently under appeal.

Dated: December 20, 2007

Respectfully submitted,

By   
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